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Unethical Conduct' Charged U.S. Secret Service Accused in Tafoya Case

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FORT COLLINS — Fort Collins authorities and the U.S. Secret Service were accused Thursday of unethical conduct in an attempt to bring "to his senses" a former Green Beret accused of shooting a Libyan dissident attending Colorado State University.

The allegations were raised by defense attorneys in an unsuccessful bid to have a mistrial declared in the trial of Eugene Tafoya. The mistrial motion was denied by Larimer County District Judge J. Robert Miller, who ordered jury selection to continue.

Selection of a jury had begun earlier Thursday with screening of potential jurors. That activity occupied most of the day and was to continue today. Both prosecution and defense attorneys said it appeared to be moving more smoothly than expected.

Authorities have alleged that Tafoya was hired to kill Faisal Zagallai, an outspoken critic of Libyan leader Col. Moammar Khadafy. Tafoya claims he was hired and paid by the CIA to rough up Zagallai but had no intention of killing him when he visited Zagallai's Fort Collins's apartment last October. He says he shot Zagallai in self defense. Zagallai survived two bullet wounds in the head, but lost the sight in one eye. The CIA says Tafoya never worked for that organization.

Lawyer Walter Gerash, who is defending Tafoya, an ex-Special Forces staff sergeant from New Mexico charged with attempted first-degree murder and conspiracy to commit murder, was livid as he pressed the mistrial motion Thursday.

Gerash claimed a Fort Collins Police detective, Ray Martinez, decided to use a confidential informant of the U.S. Secret Service to bring Tafoya "to his senses and try to bring the truth out in the matter."

To support a motion that the charges against Tafoya be dismissed or a mistrial be declared because of "prosecutorial misconduct," Gerash entered in evidence a detailed, three-page report written by Martinez.

The report outlined Martinez' conversation with Dallas-based Secret Service Agent Jerry Tate, plus a letter Gerash said was from Tate's confidential informant, a man identified as Lee Reagan of Buffalo Gap, Texas. According to documents filed with the court, Reagan is a former Green Beret who knows Tafoya.

The letter, addressed to Tafoya in care of the Fort Collins Police Department, was handed to one of Gerash's clerks about noon Thursday for delivery to Tafoya.

Although, Miller refused to declare a mistrial or dismiss the case, he warned investigators that any contact with Tafoya in the future must be through Tafoya's lawyers.

In his report, Martinez said that Secret Service Agent Tate had a confidential informant who was an ex-Green Beret who would be "more than willing to write Eugene Tafoya a letter and thinks in this letter he would help Gene come to his senses and try to bring the truth out in the matter."

In the letter, Reagan talks about old times that he and Tafoya shared and in the final sentences mentions Tafoya's current plight.

The acting supervisor for the Secret Service in Dallas on Thursday night, Richard Taylor, confirmed Tate is a Secret Service agent there. He said any involvement by Tate in the Tafoya matter would have been unofficial and not as a representative of the Secret Service. He declined to provide information about how to contact Tate.

In the same report, Martinez also mentions a conversation he had with Canadian businessman Robert Manina, whose sports car was destroyed by fire in May 1979 in the driveway of his home in Kitchener, Ontario, Canada.

Interest in the destruction of Manina's car was sparked a couple of weeks ago when prosecutors in the Tafoya case released a transcript of a conversation between a man they alleged is Tafoya and a man by the name of "Jim," who they now claim is James Clinton Dean, a retired Army Special Forces non-commissioned officer from Fayetteville, N.C. During the conversation, the man believed to be Tafoya refers to a firebombing in the Kitchener-Waterloo area.

Manina has said that Edwin Wilson, a former CIA agent who is now a fugitive residing in Libya, had approached Leigh about doing business with Libya. Wilson has been indicted by a federal grand jury on charges of illegally shipping explosives to Libya.

Martinez, in the report submitted to the court by Gerash, said Manina told him that in 1977 Wilson and "some Libyan associates of his" came to Canada and met with Manina to talk business.

Sometime later, Manina said, differences of opinion developed between him and Wilson. Eventually, in the final telex message between the two, Wilson allegedly told Manina, "I wish you luck on your health."

"It was Mr. Manina's impression that this was a threat to his well being ... Mr. Manina stated he received a threat from Mr. Wilson approximately two months prior to the firebombing that occurred at his residence in Canada," said Martinez.